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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/635,737	08/09/2000	Nizar Allibhoy	005004.P016	5913

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EXAMINER

BACKER, FIRMIN

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 07/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/635,737

Applicant(s)

ALLIBHOY ET AL.

Examiner

Firmin Backer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

Response to Request for Reconsideration

This is in response to a request for reconsideration file May 23rd, 2003. Claims 1-28 are being reconsidered in this action.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawlor et al (U.S. Patent No. 6,202,054) in view of Lowery et al (U.S. Patent No. 6,189,785).
3. As per claims 1 and 20, Lawlor et al teach a method/system of tracking a plurality of financial transactions (*financial services distribution system, 50*) between a user receiver (*remote terminal, 54*) and at least one content provider (*central computer, 52*) coupled to the user receiver by a network (*dialup network, 62*), wherein the tracking is performed by a third party (*bank, 74*) separate from the user receiver and separate from the at least one content provider (*see fig 1 column 16 line 65-17 line 12*) comprising storing preliminary information for each of the plurality of financial transactions in a third party controlled data base (*see column 31 line 1-15*), storing the supplemental information for each of the plurality of financial transactions in the third party controlled data base (*see column 31 line 59-32 line 67*), displaying summary

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information for each of the plurality of financial transactions upon receipt of a display request from the user receiver, wherein the summary information is comprised of at least a portion of the stored preliminary information (*see appendix column 51-68*), permitting selection of one or more of the financial transactions by the user receiver for finalization, finalizing the selected one or more financial transactions; and providing transaction finalization information to each of the at least one content providers affected by the selected one or more financial transactions (*see appendix column 51-68*). Lawlor et al fail to teach an inventive concept of obtaining by a third party supplemental information for each of the plurality of financial transactions in the third party controlled database. However, Lowery et al teach an inventive concept of obtaining supplemental information for each of the plurality of financial transactions in the third party controlled data base (*see fig 2A-2A, column 7 lines 36-54*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lawlor et al's inventive concept to include Lowery et al's an inventive concept of obtaining supplemental information for each of the plurality of financial transactions in the third party controlled data base because this would have ensure that the process of verification is substantially well performed by using the additional information to clearly identified the user of the transaction

4. As per claim 2, Lawlor et al teach a method further comprising displaying at least one advertisement simultaneously with the summary information (*see fig 10, 11A, column 37 line 20-38 line 60*).
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5. As per claim 3, Lawlor et al teach a method wherein the at least one advertisement includes linking information to a specific content provider (*see fig 10, 11A, column 37 line 20-38 line 60*).

6. As per claim 5, Lawlor et al teach a method wherein the summary information is comprised of purchase tracking information (*see column 31 line 40-32 line 67*).

7. As per claim 5, Lawlor et al teach a method wherein the summary information is comprised of purchase status information (*see column 31 line 59-32 line 67*).

8. As per claim 6, Lawlor et al teach a method of determining display capabilities for the user receiver; and matching a format corresponding to the displayed summary information to the determined display capabilities (*see fig 10, 11A, column 37 line 20-38 line 60*).

9. As per claim 7, Lawlor et al teach a method of displaying at least one checkout display screen (*see fig 10, 11A, column 37 line 20-38 line 60*)..

10. As per claim 8, Lawlor et al teach a method of displaying at least one advertisement simultaneously with the at least one checkout display screen (*see fig 10, 11A, column 37 line 20-38 line 60*)..

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11. As per claim 9, Lawlor et al teach a method wherein the at least one advertisement includes linking information to a specific content provider (*see fig 10, 11A, column 37 line 20-38 line 60*)..

12. As per claim 10, Lawlor et al teach a method, wherein the displayed summary information is displayed as a semi-transparent screen overlay (*see fig 10, 11A, column 37 line 20-38 line 60*)..

13. As per claim 11, Lawlor et al teach a method wherein the displayed summary information utilizes only a portion of the determined display capabilities of the user receiver (*see fig 10, 11A, column 37 line 20-38 line 60*)..

14. As per claim 12, Lawlor et al teach a method of permitting selection of one or more of the financial transactions by the user receiver for additional information inquiry; obtaining the additional information for the selected financial transactions from the third party controlled data base; and displaying the additional information for the selected financial transactions (*see column 31 line 40-32 line 67*).

15. As per claim 13, Lawlor et al teach a method of permitting selection of one or more of the financial transactions by the user receiver for additional information inquiry; obtaining the additional information for the selected financial transactions from the at least one content

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provider affected by the selected one or more financial transactions; and displaying the additional information for the selected financial transactions (*see column 31 line 40-32 line 67*).

16. As per claim 14, Lawlor et al teach a method of finalizing the selected one or more financial transactions is performed by a network operator (*see column 31 line 1-15*).

17. As per claim 15, Lawlor et al teach a method of charging each of the at least one content providers affected by the selected one or more financial transactions (*see column 31 line 1-15*).

18. As per claim 16, Lawlor et al teach a method wherein the charging is performed by an operator of the network (*see fig 2 and column 22 line 10-54*).

19. As per claim 17, Lawlor et al teach a method, wherein the fee is based on a total number of finalized financial transactions (*see fig 2 and column 22 line 10-54*).

20. As per claim 18, Lawlor et al teach a method wherein the fee to a specific content provider of the at least one content providers is based on a total number of finalized financial transactions occurring between the user receiver and the specific content provider (*see column 31 line 40-32 line 67*)

21. As per claim 19, Lawlor et al teach a method wherein the fee is based on a cost associated with the finalized financial transactions (*see fig 2 and column 22 line 10-54*).

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22. As per claim 21, Lawlor et al teach a system wherein the third party intercepting means detects triggers contained within the enhanced content programming (*see column 31 line 40-32 line 67*).

23. As per claim 22, Lawlor et al teach a system wherein the receiver is selected from the group consisting of set-top boxes, telephones, PDAs, and computers (*see fig 1 column 16 line 65-17 line 12*).

24. As per claim 23, Lawlor et al teach a system wherein the network is selected from the group consisting of cable, fiber optics, telephone lines, terrestrial broadcast systems, and satellite broadcast systems (*see fig 1 column 16 line 65-17 line 12*).

25. As per claim 24, Lawlor et al teach a system for determining a set of display capabilities for the receiver; and third party means for formatting the selected portion of the stored data and information to correspond to the set of display capabilities (*see fig 10, 11A, column 37 line 20-38 line 60*).

26. As per claim 25, Lawlor et al teach a system wherein the displayed selected portion of the stored data and information is a semi-transparent overlay (*see fig 10, 11A, column 37 line 20-38 line 60*).

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27. As per claim 26, Lawlor et al teach a system wherein the displayed selected portion of the stored data and information utilizes only a portion of a screen corresponding to the display (*see fig 10, 11A, column 37 line 20-38 line 60*).

28. As per claim 27, Lawlor et al teach a system wherein the third party intercepting means, the third party means for directly obtaining supplemental information, the third party selecting means, the third party finalizing means, and the third party means for providing financial transaction finalization information is a third party controller coupled to the content provider and to the receiver via the network (*see column 31 line 40-32 line 67*).

29. As per claim 28, Lawlor et al teach a system for displaying at least one advertisement on the display, the at least one advertisement displayed simultaneously with the selected portion of the stored data and information (*see fig 10, 11A, column 37 line 20-38 line 60*).

Response to Arguments

1. Applicant's arguments with respect to claims 1-28 have been fully considered but they are not persuasive.

a. Applicant argues that the prior arts taken alone or in combination fail to teach an inventive concept of obtaining supplemental information for each of the plurality of financial transaction from the content provider in the third party controlled data to addition to preliminary information present in the data base. Examiner respectfully

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disagrees with applicant's characterization of the prior arts. Lower teach an inventive concept of wherein under certain conditions, a specific referral code may be delivered from the central system 109 to the point of sale terminal 112. A merchant receiving a referral code must contact an authorizer at the central processing communication system 109 and provide the referral code to the authorizer. The authorizer then enters the code to retrieve the check image and/or check sale information from the host data warehouse 114 and, *assuming that such information has not already been entered on line, prompts the merchant to enter the payor's identification information, such as name, address, and phone number, into the point of sale terminal 112 (emphasis added)*. If authorized by the authorization process 117, the authorizer will provide a unique transaction identification number and an approval number for the merchant to enter into the point of sale terminal 112 as prompted (*see column 9 lines 31-48*).

Conclusion

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

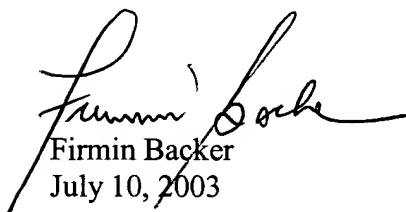
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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

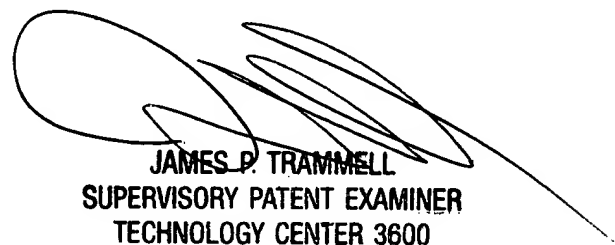
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Firmin Backer
July 10, 2003



JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600